IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 278 OF 2006

IN

FIRST APPEAL NO. 292 OF 2005

DELCON ENGINEERING, PONDA GOA. ....Applicant

Versus

STATE OF GOA REP.BY EXECUTIVE ENGINEER,MARGAO GOA ....Respondent

Mr. C. Mascarenhas, Adocate for the applicant.

Mrs. L. Dharwadkar, Addl. Government Advocate for the respondent.

Coram:- P.V. KAKADE, J.

Date:- 9th August, 2006

P.C.

Heard learned Counsel for both the parties. This is an application, seeking stay of the order passed by the Ad hoc Additional District Judge, South Goa, Margao dated 7th April, 2005 whereby decree was passed in Special Civil Suit No.221/91/I, directing the applicant to refund an amount of Rs. 5,73,197/- being excess amount drawn by the respondent from the amount deposited by the applicant on 4/2/92 along with interest as on 31.3.2002. The respondent was also directed to pay to the applicant further interst at the rate of 18 % p.a. on the same amount from 1.4.2002 till its actual realisation.

2. After hearing both the parties and taking into account relevant aspects, the application is made absolute in terms of prayer clause (a) on the condition that the applicant shall furnish a Bank Guarantee of the equivalent sum in the trial Court within six weeks from the date of this

order. The Bank Gurantee shall be kept alive by the applicant until further orders. This order is passed without prejudice to any other identical claims between the parties. With the aforesaid directions, the application stands disposed of.

P.V. KAKADE, J.

ssm.